

REMARKS

Claims 1-8, 10-15 and 16-20 are pending in this application. Of those, claims 1, 19 and 20 are written in independent format.

By this reply, claims 9 and 16 have been canceled without prejudice to or disclaimer of the subject matter contained therein.

Also, new claims 19 and 20 have been added. Claims 19-20 correspond to the subject matter of now-canceled claims 9 and 16, respectively. Each of claims 19-20 recite a feature similar to the distinction of claim 1 noted below, and thus at least similarly distinguish over the applied art. Claims 10-11 and 17 depend at least indirectly from claims 19-20, respectively, and at least similarly distinguish over the applied art.

Claim Rejections - 35 U.S.C. §112

Beginning on page 3 of the Office Action, claims 9-11 and 16-17 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter. While Applicants disagree with the Examiner's objection, to further prosecution, Applicants have canceled claims 9 and 16 and replaced them with new claims 19-20, respectively. The language of claims 19-20 was chosen to avoid the Examiner's concerns regarding claims 9 and 16.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-5, 7-10, and 12-17 are rejected under 35 USC §103(a) as being unpatentable over Sistanizadeh et al. (USP 6,452,925) (referred to by the Examiner as "Sis") in view of Inoue et al. (USP 6,891,519).

More particularly, the Examiner asserts that Sis discloses all elements of claim 1 except "processing the communication address request based on a failure count accessed using the identifier of

the mobile station, the failure count indicating a number of times the mobile station has been denied registration.” (Emphases added.) However, the Examiner asserts Inoue et al. discloses such a feature. Again, Applicants traverse.

Applicants are willing to acknowledge that Inoue et al. discloses a type of authentication based on a failure count accessed using an identifier. But the identifier is of a user, not a mobile station. As such, Inoue et al. is no more relevant than was the no-longer-applied reference by He et al. In other words, Inoue et al. discloses that it is the user’s authentication, *not that of the mobile station*, that is used to gain access; see column 12, line 51; column 13, lines 10-21.

There can be no doubt that Inoue et al. considers mobile station authentication to be different than user authentication. For example, column 2, lines 19-22, of Inoue et al. states:

However, the security measure specified by the mobile IP is only the security in host (mobile computer) basis and does not authenticate an actual user who is using that mobile computer.

It should be apparent from lines 19-22 that the mobile IP scheme does something different than user authentication. That which is done by the mobile IP scheme is described by Inoue et al. in column 2, lines 9-18, which states (underlined emphasis added):

Now, in the mobile IP scheme, when the mobile computer moves to a new visited site, there is a need to send a current location registration message to the home agent. Here, an authentication code according to a security information exchanged between the mobile computer and the home agent in advance is attached to the location registration message in order to avoid an attack such as pretending of the mobile computer. The location registration of the mobile computer will not take place if the registration message is not attached with the proper authentication code.

Given the contrast established by lines 19-22 of Inoue et al. (again, reprinted above), it should be apparent from the phrase “pretending of [sic, to be] the mobile computer” in lines 9-18 that the Inoue et al. considers the mobile IP scheme to make use of mobile station authentication. See also column 16, lines 6-10 (as cited by the Examiner).

Assuming for the sake of argument that Sis would have been modified according to Inoue et al., the resulting combination would not be as suggested by the Examiner. Rather, the resulting combination (again, *in arguendo*) would adopt processing of the communication address request according to a failure count accessed using the identifier of the user. That is, a distinction over the asserted combination of claim 1 is that the failure count is accessed using the identifier for the mobile station. Again, Inoue et al. teaches using a user identifier for user authentication, e.g., S22 Fig. 12, S32 Fig. 14, S42 Fig. 19, etc., which (as explained above) is considered by Inoue et al. to be different than using a mobile station identifier for mobile station authentication.

Accordingly, claim 1 is patentable over the Examiner's cited references. Claims 2-5, 7-10, and 12-17, which directly or indirectly depend on claim 1, respectively, are also patentable for at least the same reasons given above with respect to the patentability of claim 1.

In view of the foregoing discussion, withdrawal of the rejection is requested.

On page 7 of the Office Action, claims 6, 11 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sistanizadeh et al. in view of Inoue et al. in further view of Holmes et al (USP 6,256,116).

Claims 6, 11 and 18 indirectly depend on claim 1, respectively. In view of the foregoing discussion, withdrawal of the rejection is requested. Holmes et al. has not been cited as a teaching of the distinction of claim 1 noted above, nor would it be reasonable for the Examiner to characterize Holmes et al. as such. Hence, the above-noted distinction of claim 1 also distinguishes over Holmes et al. Accordingly, withdrawal of the rejection is requested.

New Claims 19-20

Each of claims 19-20 recite a feature similar to the distinction of claim 1 noted below, and thus at least similarly distinguish over the applied art. Claims 10-11 and 17 depend at least indirectly from claims 19-20, respectively, and at least similarly distinguish over the applied art.

CONCLUSION

The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

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